

US Presidential Elections

October 9, 2020

Countdown for the US presidential elections has begun. Hence it is important to know the features of the US political system as well as the comparison with that of Indian system.

In news: The 2020 US presidential election is scheduled for November 3, 2020.

Placing it in syllabus: Polity- President

Static dimensions

1. US political system and comparison with India
2. Election Process
3. Comparison with Presidential Election in India
4. Powers and Functions of US president

Current dimensions

1. In news

Content:

In news:

- It will be the **59th quadrennial presidential election** to elect the 46th president of the US.
- The Republican candidate is incumbent President, **Donald Trump** and the Democratic presidential candidate is **Joe Biden**.
- Other candidates are **Jo Jorgensen** who has secured the Libertarian nomination and **Howie Hawkins** who has secured the Green nomination.
- **Democratic vice-presidential nominee is Senator Kamala D. Harris** (making her the first African-American, the first Indian-American, the first Asian-American, and the third female vice presidential nominee on a major party ticket) and **Republican nominee is Mike Pence**.

- Voting begins a few weeks before Election Day as a large number of voters exercise their franchise by email or vote early.
- A **US citizen over the age of 18 is eligible to vote.**
- Prisoners can vote only in Vermont and Maine.
- Though the residents of Puerto Rico are US citizens, since it is an unincorporated US territory, **Puerto Ricans are not eligible to vote in this election.**
- The **winner** of the 2020 presidential election is **scheduled to be inaugurated on January 20, 2021.**
- **Trump or Biden will be the oldest candidate** to be elected president.
- This is the first presidential election where both major candidates are over 70.

Election process:

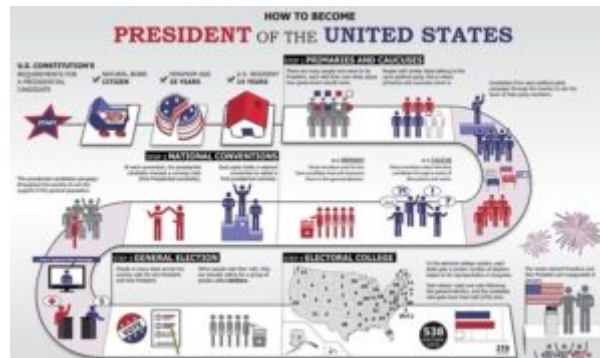
- The US president and vice president are not elected directly by citizens.
- Instead, **they're chosen by "electors"** through a **process called the Electoral College.**
- The process of using electors comes from the US Constitution.

U.S. Constitutional Requirements for Presidential Candidates:

The president must:

- Be a natural-born citizen of the United States
- Be at least 35 years old
- Have been a resident of the United States for 14 years

Once a candidate raises or spends more than \$5,000 for their campaign, they must **register with the Federal Election Commission.** It includes **naming a principal campaign committee** to raise and spend campaign funds.



Primaries, Caucuses, and Political Conventions:

- The states use the **two methods of primary elections and caucuses** to select a potential presidential nominee tooltip.
- Primaries use secret ballots for voting.
- Caucuses are local gatherings of voters who vote at the end of the meeting for a particular candidate.
- Then political parties each select a nominee to unite behind.
- During a political party convention, each presidential nominee also announces a vice presidential running mate.
- The candidates then campaign across the country to explain their views and plans to voters.

Role of the Electoral College:

- To win the election, a candidate must receive a majority of electoral votes.
- **If no candidate receives a majority**, the House of Representatives chooses the president and the Senate chooses the vice president.

How Does the Electoral College Process Work?

- After ballot is cast for the president, each vote goes to a statewide tally.
- In **48 states and Washington D.C.**, the winner gets all the electoral votes for that state.
- **Maine and Nebraska states assign their electors using a proportional system.**

- A candidate needs the vote of **at least 270 electors, more than half of all electors** to win the presidential election.
- In most cases, a projected winner is announced on election night in November after voting.
- But the **actual Electoral College vote takes place in mid-December** when the electors meet in their states.

The Electors:

- Each state gets **as many electors as it has members of Congress (House and Senate)**.
- Including Washington, D.C.'s three electors, there are currently 538 electors in all.
- Each state's political parties choose their own slate of potential electors.
- **It is possible to win the Electoral College but lose the popular vote** (This happened in 2000, in 2016 and three times in the 1800s).

Case where no Candidate wins a Majority of Electoral Votes:

- If no candidate receives a majority of electoral votes, **the vote goes to the House of Representatives**.
- House members choose the new president from among the top three candidates (This has only happened once in 1824).
- The **Senate elects the vice president from the remaining top two candidates**.

Comparison with Indian system:

Casting of votes:

- India in its electoral college system, has 4,896 voters compared with the U.S.'s 538 electoral college members.
- In India, people vote for national and state lawmakers, who in turn elect the president. Whereas in U.S., **electors are appointed party officials** and obliged to

give their votes to the candidate with the majority win in their states.

- After casting their votes, Indian electors must also list at least one second choice for president in case a candidate does not meet the vote quota, in which case their vote is transferred to their next choice.

Secrecy of votes:

- Unlike voting for a bill or parliamentary motion, Indian electors are supposed to keep their votes secret.
- In the U.S. how people vote is private, but many other voter data are public record.

Counting of votes:

- Unlike India, where counting is often held days or even weeks after voting, **in the US, counting begins as soon as voting is over in a particular state**. The results are also publicly announced.
- The value of a member of the Legislative Assembly's votes depends on the population of his or her state. In the U.S. where the number of electors per state depends on its population, the value of a member of Parliament's vote remains the same regardless of population.
- In the US, one can win the popular vote and still lose the election. Winner-Take-All is the criteria in all states except two, Maine and Nebraska. So the candidate that gets the largest number of votes (not a majority) is declared to have won the state and gets all the electoral votes of that state.

Other differences:

- The date of the election in the US is fixed, i.e. the first Tuesday after the first Monday of November, since 1845.
- There is no centralised election management body in the US like the Election Commission in India.

- The **US has two federal bodies – the Federal Election Commission (FEC) and the US Election Assistance Commission (EAC)** – but both of them together do not add up to anything as powerful or effective as the EC in India. They have no control over the election administration. Their role is confined to federal campaign finance regulations.

Powers and Functions of US president:

- The President is **both the head of state and head of government** of the United States of America, and Commander-in-Chief of the armed forces.
- The president can issue rules, regulations, and instructions called **executive orders**, which have the binding force of law upon federal agencies but do not require approval of the United States Congress. Executive orders are subject to judicial review and interpretation.
- Under Article II of the Constitution, the President is **responsible for the execution and enforcement of the laws created by Congress.**
- The President has the power **either to sign legislation into law or to veto bills enacted by Congress**, although Congress may override a veto with a two-thirds vote of both houses.
- Fifteen executive departments – each led by an appointed member of the President's Cabinet, carry out the day-to-day administration of the federal government.
- The **heads of other executive agencies** such as the CIA and Environmental Protection Agency, are not part of the Cabinet, but are **under the full authority of the President.**
- The President also appoints the heads of more than 50 independent federal commissions, such as the Federal Reserve Board or the Securities and Exchange Commission.
- The president also **nominates persons to fill federal**

judicial vacancies, including federal judges, such as members of the United States courts of appeals and the U.S. Supreme Court. However these nominations require Senate confirmation.

- The President has the **power to negotiate and sign treaties**, which must be ratified by two-thirds of the Senate.
- The President also has unlimited **power to extend pardons and clemencies for federal crimes, except in cases of impeachment**.
- The President **gives a State of the Union address to a joint session of Congress** each January (except in inaugural years) outlining their agenda for the coming year.

US political system in comparison with that of India:

- **Federalism** – It has a federal structure with a strong unitary bias where states have no authority to recede from India. There is only one constitution for the whole country.

The US has a federal system with each state having its own constitution. The power is shared between the federal government and state governments.

- **Political parties** – There are 8 national parties and hundreds of regional and smaller parties in the political scene.

In the US, the two major political parties are the Republican Party and the Democratic Party.

- **Head of the government** – In India, elected head of Government is the Prime Minister. He is the executive head. The President is the constitutional head of state. Elections to the Lok Sabha are held every five years generally where the party that wins a majority of seats

in the Lok Sabha gets invited by the President to form the government. The leader of that party becomes the Prime Minister.

In the US, the Head of State and government is the President. The President holds office for a four-year term.

- **Term of office-** The government can lose the mandate if its majority cannot be proved in the Lok Sabha in the event of a no-confidence motion. This would lead to mid-term elections.

In the US, the President is not dependent on the strength of his party in Congress (legislative body). He remains in power for the four years of his term unless he is impeached or incapacitated.

- **Parliament-** The Parliament is the supreme legislative body. It is a bicameral legislature comprising the President, the Lok Sabha and the Rajya Sabha.

In the US Congress is the legislature of the USA. The Senate and the House of Representatives are the two chambers of the Congress. The House of Representatives is the Lower House while the Senate is the Upper House.

- **Separation of powers-** There is no strict separation of powers. The executive is part of the elected legislature and remains in power while the House is in motion. The Prime Minister cannot override the legislature to make laws. A bill becomes a law only when both Houses pass it and it is signed by the President. The Supreme Court can strike down any law that it considers unconstitutional.

In the US, there is a clear separation of powers between the executive, the legislature and the judiciary. A law passed by the Congress can be vetoed by the President.

Mould your thought:

1. How do the political systems of India and US differ?
What are the functions of the US President?

Approach to the answer:

- Introduction in 2-3 lines
- Write the differences between two political systems
- Jot down the functions of US president
- Conclusion